

PROB. 12B
(7/93)

ORIGINAL

FILED MAY 11 2006
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

United States District Court

for the

DISTRICT OF HAWAII

MAY 11 2006

at 11 o'clock and 10 min AM
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: JONATHAN HENRY DEMOTTA Case Number: CR 00-00377SOM-03

Name of Sentencing Judicial Officer: The Honorable Susan Oki Mollway
U.S. District Judge

Date of Original Sentence: 3/27/2001

Original Offense: Possession With Intent to Distribute in Excess of 5 Grams of
Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1)
and (b)(1)(B), a Class B felony.

Original Sentence: Sixty-three (68) months imprisonment to be followed by
five (5) years supervised release. The following special conditions
were ordered: 1) That the defendant is prohibited from possessing
any illegal or dangerous weapons; 2) That the defendant
participate in a substance abuse program, which may include drug
testing at the discretion and direction of the Probation Office;
3) That the defendant provide the Probation Office and the
Financial Litigation Unit of the U.S. Attorney's Office access to any
requested financial information to include submitting to periodic
debtor's examinations as directed by the Probation Office; and
4) That the defendant shall submit his person, residence, place of
employment, or vehicle to a search conducted by the
U.S. Probation Office at a reasonable time and in a reasonable
manner, based upon reasonable suspicion of contraband or
evidence of a violation of a condition of supervision. Failure to
submit to a search may be grounds for revocation. The defendant
shall warn any other residents that the premises may be subject to
search pursuant to this condition.

Type of Supervision: Supervised Release Date Supervision Commenced: 10/25/2004

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

5. That the defendant shall participate in anger management at the discretion and direction of the Probation Office.

CAUSE

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|----------------------|--|
| 1. General Condition | On 4/24/2006, the subject was arrested for violation of Hawaii Revised Statutes § 709-906, Abuse of a Family or Household Member, a misdemeanor offense. |
|----------------------|--|

On 4/25/2006, the subject contacted this officer and reported his recent arrest for Abuse of Family or Household Member on 4/24/2006. The subject stated that he was involved in a physical altercation with his estranged girlfriend during an argument at his residence. The subject also noted that he intends to obtain legal counsel and plead not guilty to the charge at his initial Court proceeding later this month.

On 4/25/2006, the subject's police report was reviewed at the Honolulu Police Department (HPD), Records Division. According to those police reports, on 4/24/2006 at approximately 1:20 a.m., the subject's girlfriend approached HPD officers on Kapahulu Avenue, Honolulu, Hawaii. She reportedly went to the subject's residence to retrieve her belongings. The girlfriend advised that during an argument at the residence, the subject shoved her several times, grabbed her by the throat, and pushed her to the ground. Based upon her statement, HPD officers proceeded to the subject's residence located at 3131 Castle Street, Honolulu, Hawaii. The subject was subsequently arrested for Abuse of Household or Family Member.

On 5/3/2006, the subject appeared for an office visit and was questioned about the incident. The subject acknowledged that he was involved in an argument with his girlfriend but denied that he physically abused her. The subject claimed that his girlfriend came to his residence while intoxicated and accused him of having an affair. After she became physically aggressive, he restrained her briefly and instructed her to leave his residence. The subject added that he was involved in other arguments with his girlfriend that were "way worse" and was shocked that he was arrested for the instant offense.

Since his release on supervised release, the subject has successfully completed the Federal Drug Aftercare Program and complied with the other terms and conditions of supervised release. In addition, the subject has maintained full-time employment at Platinum Limousine and resides on the premises. To address the recent matter, the

subject has agreed to modify his supervised release conditions which would require his participation in anger management classes.

Given the subject's overall adjustment on supervised release and willingness to address the incident with anger management counseling, it is recommended that the Court allow the subject to remain under the supervision of our office with the recommended modification to his conditions of supervised release. The Court will be notified if he is convicted of Abuse of a Family and Household Member.

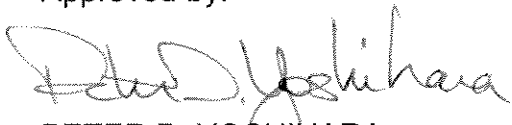
Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modifications of the conditions of supervised release. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modifications and have no objections.

Respectfully submitted by,



CARTER A. LEE
U.S. Probation Officer

Approved by:



PETER D. YOSHIHARA
Supervising U.S. Probation Officer

Date: 5/8/2006

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



SUSAN OKI MOLLWAY
U.S. District Judge

MAY 11 2006

Date

PROB 49
(5/96)

United States District Court

District of Hawaii

Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:


[X] To modify the conditions of supervision as follows:

5. That the defendant shall participate in anger management at the discretion and direction of the Probation Office.

Witness:


CARTER A. LEE
U.S. Probation Officer

Signed:


JONATHAN DEMOTTA
Supervised Releasee

5/3/05
Date